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5 || Counsel for Defendant OSORIO

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) No. CR 11-00553-EJD
12 Plaintiff,) STIPULATION AND ~~PROPOSED~~
13 vs.) ORDER TO MODIFY BRIEFING
14 EDUARDO OSORIO,) SCHEDULE, CONTINUE MOTION
15 Defendant.) HEARING DATE AND EXCLUDE TIME
) UNDER THE SPEEDY TRIAL ACT

Honorable Edward J. Davila

STIPULATION

18 Defendant Eduardo Osorio, by and through Assistant Federal Public Defender Varell L.
19 Fuller, and the United States, by and through Assistant United States Attorney Amie Rooney,
20 hereby stipulate that, with the Court's approval, the motion hearing currently set for Monday,
21 November 19, 2012, at 1:30 p.m., shall be continued to Monday, December 17, 2012, at 1:30
22 p.m.

23 The reason for the requested continuance is that the parties respectfully request that the
24 motions hearing date be continued to permit the parties additional time to complete research with
25 respect to a legal issue relevant to a possible negotiated disposition of this matter, short of
26 litigating the defendant's pending motion. Accordingly, both parties respectfully requests

1 additional time to effectively prepare, and therefore respectfully requests a continuance of the
2 briefing schedule and motion hearing date previously set in this matter for November 19, 2012,
3 to December 17, 2012. The parties also request that the Court modify the briefing schedule as
4 follows: the government shall file a response to defendant's motion on or before December 10,
5 2012, and the defense may file a reply on or before December 13, 2012.

6 Accordingly, the parties agree that the time between November, 19, 2012, and December
7 17, 2012, may be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv),
8 for effective preparation by both counsel.

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10 Dated: November 8, 2012

11 _____/s/
12 VARELL L. FULLER
13 Assistant Federal Public Defender

14 Dated: November 8, 2012

15 _____/s/
16 AMIE ROONEY
17 Assistant United States Attorney

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[PROPOSED] ORDER

2 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
3 ORDERED that the motion hearing currently set for Monday, November 19, 2012, shall be
4 continued to Monday, December 17, 2012, at 1:30 p.m. The briefing schedule shall be modified
5 as follows: the government shall file its response to the defendant's motion on or before
6 December 10, 2012 and the defense may file a reply on or before December 13, 2012.

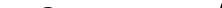
7 THE COURT FINDS that failing to exclude the time between November 19, 2012, and
8 December 17, 2012, would unreasonably deny both parties reasonable time necessary for
9 effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. §§
10 3161(h)(7)(B)(iv).

11 THE COURT FINDS that the ends of justice is served by excluding the time between
12 November 19, 2012, and December 17, 2012, from computation under the Speedy Trial Act and
13 outweigh the interests of the public and the defendant in a speedy trial.

14 THEREFORE, IT IS HEREBY ORDERED that the time between November 19, 2012,
15 and December 19, 2012, shall be excluded from computation under the Speedy Trial Act, 18
16 U.S.C. § 3161(h)(7)(A) and (B)(iv).

17 || IT IS SO ORDERED.

18 | Dated: November 14, 2012


THE HONORABLE EDWARD J. DAVILA
United States District Judge